

No. 21/1/72.AIS(II)
Government of India/Bharat Sarkar
Cabinet Secretariat/Mantrimandal Sachivalaya
Department of Personnel/Karmik Vibhag.

New Delhi, the 15 March 1972.

To

The Chief Secretaries to the
State Governments.

Sub: Leave Travel Concession admissible to officers
of the All India Services.

Sir,

I am directed to invite the attention of the State Government to the letter No. 19/1/57-AIS(II) dated the 30th November, 1956, letter No. 16/16/60-AIS(II) dated the 7th November, 1970 and letter No. 16/4/67-AIS(II) dated the 15th April, 1967 on the subject of extending to the members of the All India Services the leave travel concession admissible to the Central Government servants. In response to these letters, the State Governments have been extending from time to time the benefits of leave travel concession as requested in the aforesaid letters of the Ministry of Home Affairs. On a review of the orders issued by the State Governments, it has been found that there has been no uniformity in the extent of leave travel concession admissible to the members of the All India Services borne on different Cadres. It has also been found that even in respect of the duration of the block periods for purposes of reckoning the admissibility of leave travel concession, there has been no uniformity under the various State Governments. It is also found that the existing orders in the matter of leave travel concession do not fully cover the cases of members of the All India Services, who are on deputation from one State Cadre to another. As a result when a member of an All India Services, is on deputation to a State, other than the State on whose cadre he is borne, difficulty arise in determining the block period in respect of the leave travel concession availed of by such member while on deputation.

2. The Government of India has been considering this matter for some time and is of the view that there should be uniformity in the matter of leave travel concession admissible to the members of the All India Services, whatever be the cadres on which they are borne. It

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is, therefore, proposed that the leave travel concession admissible to the members of the All India Services working in connection with the affairs of the Union or the State, should be on the same scale as admissible to the Central Government employees from time to time and that the block period in respect of members of the All India Services, borne on a particular cadre, should be determined with reference to the year in which such concession was originally extended to the members of the All India Services serving in connection with the affairs of that State and that in respect of a particular member of an All India Service, the block periods would be the same as admissible to the members of the All India Services borne on the Cadre to which he belongs. The Central Government would like to have the comments of the State Government on the proposal before an order under Rule 2(b) of the All India Services (Conditions of Service-Residuary Matters) Rules, 1960 is issued.

Yours faithfully,


(B. NARASIMHAN)

Under Secretary to the Government of India.

Copies forwarded to :-

1. The Ministry of Home Affairs, UT & Police divisions, for comments if any.
2. The Ministry of Agriculture, AIS(Section) for comments if any.

Internal Distribution

US(S-III), AIS IV.

No. 1/135/71-AIS(II)
Government of India/Bharat Sarkar
Cabinet Secretariat/Mantrimandal Sachivalaya
Department of Personnel/Karnik Vibhan.

New Delhi, the 16 March 1972.

To

The Chief Secretary to the
Government of Madhya Pradesh,
General Administration Department,
Bhopal.

Sub: Creation of a post of Special Secretary as
temporary addition - retrospective effect
given to the orders of -

Sir,

I am directed to refer to the State Government's letter No. 7364:4193-1(2)71/F.N. 1131/70 dated the 20th October, 1971 and the letter of the Accountant General, Madhya Pradesh No. GAI/IAS.II/647 dated the 27th May, 1971 on the subject and to observe that the full designation of the post of Special Secretary, which has been created as a temporary addition to the Cadre with effect from 8-12-1970 has not been indicated. Apparently, the State Government have created a post with effect from 8-12-1970 which was designated as Special Secretary during the period/onwards, by an order issued on the 15th April, 1971. The justification for giving retrospective effect to the State Government's order of the 15th April, 1971 creating the post as a temporary addition was the delay involved in the procedure that is being followed by the State Government for the creation of such posts.

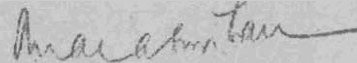
/ from
8-12-1970 to
18-12-1970 and
as Secretary
from 18-12-70

/ have 2. The Central Government ✓ carefully considered the circumstances in which this post of Special Secretary has been created. It is observed that the Government of India's clarification about the retrospective exercise of powers under the provisions of the All India Services Act was issued on the 18th February, 1971 and the State Govt's order creating the post of Special Secretary was subsequent to the issue of this letter. The powers conferred by Rule 4(2) of the Indian Administrative Service (Cadre) Rules cannot be exercised retrospectively. It would not, therefore, be in order for the State Government to add any post temporarily to a cadre retrospectively

3. However, the powers of the State Government for creating the post ex-cadre are derived from their own executive powers and are not circumscribed by the

provisions of the All India Services Act and the Rules framed thereunder. It may, therefore, be possible for the State Government to create a post ex-cadre retrospectively but the authority for the creation of such posts cannot be derived from the Rules framed under the All India Services Act. In view of this position, the Central Government regret its inability to accede to the request of the State Government that the action taken by the State Government in temporarily adding a post of Special Secretary/Secretary retrospectively to the Indian Administrative Service Cadre of Madhya Pradesh may be regularised. As such the order of the State Government temporarily adding the post of Special Secretary/Secretary under rule 4(2) of the Indian Administrative Service (Cadre) Rules would take effect only from the date of the issue of the sanction & in respect of the earlier period, the State Government could have recourse to their own powers.

Yours faithfully,

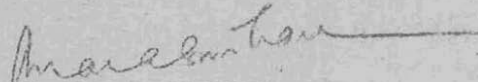


(B. NARASIMHAN)

Under Secretary to the Government of India.

No. 1/135/71-AIS(II) Dated the 11, March 1972.

Copy to the Accountant General, Madhya Pradesh with reference to his letter of 27th May, 1970.



(B. NARASIMHAN)

Under Secretary to the Government of India.